



01-14-05

RCE/EP IJW

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,  
provides for continued examination of an utility or plant application  
filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

Express Mail No	EV 533 736 026 US
Application Number	09/578,217
Filing Date	05/23/2000
First Named Inventor	Li-Huan Jen
Group Art Unit	2653
Examiner Name	Psitos, Aristotelis M.
Attorney Docket No.	60976-0014-US

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

## 1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed
- iii. ☐ Other
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other copy of Terminal Disclaimer filed 11/10/04

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months.  
(Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other

## 3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310 (order no.60976-0014-US):
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e), estimated to be \$ 790.00
- ii. ☒ Extension of time fee required under 37 C.F.R. §§ 1.136 and 1.17, estimated to be \$ \_\_\_\_\_ for a \_\_\_\_\_ month extension, the request for which is being made herewith
- iii. ☐ Other
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Gary S. Williams	Registration No. (Attorney/Agent)	31,066
Signature		Date	January 12, 2005

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Commissioner For Patents, P.O. Box 1450, Mail Stop RCE, Alexandria, VA 22313-1450, or by facsimile transmitted to fax no. 1-703- \_\_\_\_\_ to the U.S. Patent and Trademark Office on the date indicated below.

Name (Print/Type)		Registration No. (Attorney/Agent)	
Signature		Date	

**+** Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Commissioner for Patents P.O. Box 1450, Mail Stop RCE, Alexandria, VA 22313-1450.

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Express Mail No. EV 533 736 026 US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Li-Huan Jen

Confirmation No.: 4631

Serial No.: 09/578,217

Art Unit: 2653

Filed: May 23, 2000

Examiner: Psitos, Aristotelis M.

For: *Apparatus and Method for Counting  
Error Rates in an Optical Compact Disc  
Storage System*

Attorney Docket No.: 60976-0014  
(formerly 9826-0014-999)

January 12, 2005

**RESPONSE TO FINAL OFFICE ACTION – FILED WITH RCE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The enclosed Amendment is in response to the Office Action dated July 15, 2004 for the above identified patent application. This response is being filed with a Request for Continued Examination (RCE).

It is noted that a first response to the final office action was timely submitted on September 14, 2004, within two months of the final office action mailing date.

Petition for One or Two Month Extension of Time under 37 CFR 1.136. It is respectfully requested that the time for response to the Office Action dated July 15, 2003 be extended for a period of one (1) or two (2) months from **November 15, 2004** (4 months from the final office action date) or **December 27, 2004** (the date of the Advisory Action) to and including January 15, 2005. It is noted that the box (a) in the advisory action of December 27, 2004 was checked by mistake when it should have been the box (b) be checked since the response to the final rejection dated July 15, 2004 was submitted within the two-month callup period. However, if the Examiner was correct in checking box (a), then a Two Month Extension of time is respectfully requested. The fee for this extension is estimated to be either \$110 or \$420, depending on whether a one or two month extension is required.

The Commissioner is hereby authorized to charge any required fee(s) to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310 (order no. 60976-0014-US). A copy of this sheet is enclosed for such purpose.